

Requirements for Health-Care Reform and Resulting Requirements for Chesterfield County Public Schools

April 1, 2013

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Background

To meet the requirements of health-care reform that will begin Jan. 1, 2014, Chesterfield County Public Schools has joined other employers (including Chesterfield County government) that have set **28 hours** as the maximum number that may be worked in a week for employees who are not currently considered full-time. All hours worked count in the calculation, with the exception of athletic coaches.

This legislation has the potential for serious financial implications for the school division, including a “pay or play” mandate costing up to \$2,000 per individual for failure to appropriately classify employees and offer benefits to them. This document is designed to help employees understand the new requirements.

Important Points

- 1) Health-care reform requirements of the Affordable Care Act will begin on Jan. 1, 2014. The Affordable Care Act redefines full-time employees from people working 40 hours a week to people working 30 hours a week.
- 2) For Chesterfield County Public Schools, failure to comply with health-care reform requirements would result in severe penalties — potentially millions of dollars.
- 3) If no changes are made, the school system’s current processes for hourly workers would potentially add 2,000+ employees to our full-time eligible group, all of whom must be offered health insurance.
- 4) The projected cost to offer health care to these current workers is about \$14 million. This is not feasible now or in the foreseeable future. Budget constraints do not permit Chesterfield County Public Schools to continue its current processes.
- 5) Consequently, like many employers, Chesterfield County Public Schools has set 28 hours as the maximum that may be worked for employees not currently considered eligible for full-time benefits.
- 6) An annual “look back” period is used to determine who meets the new full-time definition. Chesterfield County Public Schools began its look-back period on April 1, 2013.
- 7) Changes must also be made to the school system’s processes for hiring hourly workers, which will affect current part-time, temporary, noncontractual and substitute employees as well as those receiving academic supplements; that is, all Chesterfield County Public Schools workers not currently under a full-time contract. Athletic coaches are the only exception to these requirements, based on guidance received to date.
- 8) The current noncontractual process will cease to exist. It will be replaced by a temporary work assignment process that conforms to the new requirements.
- 9) The new process will also require all schools to use SubFinder to secure substitute teachers (short-term and long-term).

- 10) Principals and directors are responsible for understanding and enforcing the limitations. Failure to follow the procedures will result in disciplinary action of those who violate them and those who authorize them.
- 11) This is a working document that will evolve as we attempt to address all work relationships that are affected by these requirements; however, the requirements will not change.

Process for Tracking Part-time/Temporary Hours Worked

There is a demonstrated need for hourly workers within Chesterfield County Public Schools. This includes summer school instructors, driver education instructors, PALS tutors and many other positions. The noncontractual process that has been in place for more than 20 years does not lend itself to meeting the requirements for health-care reform and other human resource/benefit regulations. The new Affordable Care Act requirements, in particular, have prompted the school system to dismantle the noncontractual process. It will be replaced with an application for temporary work assignment process. This process will include completing an IFAS web form, the application for temporary work assignment. This form must be completed for each assignment, and work may not begin without receiving final approval from HR. There will be no concurrent work assignments for an individual. The application will be denied if the work assignment period falls within a current assignment for that individual. Here are two examples:

- The database shows that John Smith is currently assigned as a driver education instructor. He is, therefore, ineligible to work high school athletic events until the current assignment period is over.
- Individuals on the substitute list may not apply for any other temporary work assignment. Those individuals have the potential to be called at any time for a substitute position and, therefore, would not be able to work another assignment as long as they remain on the substitute list.

Design of the web form and workflow is now under way. All employee and application data will be automatically entered into a database nightly with the intent to also enter and link associated timesheet information as it is available. **Timesheets must be submitted weekly.** Future plans include tracking hours electronically, possibly through Timecard Online. Once this is accomplished, there should be no further need for the database or manually entering timesheet information.

Because the IFAS web form may not be available until July 1, staff members will continue to use the paper noncontractual form until that time. However, **the temporary work assignment process with all its requirements is in effect as of April 1, 2013.**

Substitutes

Schools **are required** to use SubFinder for long-term substitutes and for short-term substitutes.

Long-term substitutes and short-term substitutes may work no more than 134 days per school year.

Substitutes may not hold part-time or temporary work assignment positions, with the exception of athletic coaching positions.

Questions should be emailed to Kim Carter or Susan Newton.

Frequently Asked Questions

About the Affordable Care Act and Part-time Benefits

For this FAQ, the term “hourly worker” is completely separate and different from a nonexempt full-time hourly employee because nonexempt full-time employees are not allowed to hold a second assignment.

1) When do the new guidelines regarding only one hourly position at a time go into effect?

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2) Can an hourly worker begin work before the temporary work assignment has been approved?

No. Final approval must be received from Human Resources via email before an hourly employee can begin an assignment. If an hourly employee does begin work before approval is received, the staff member authorizing the work may be made responsible for payment or subject to disciplinary action or both.

3) Can an hourly worker have more than one temporary work assignment during a particular time period?

No. Currently, hourly workers authorized to work under a temporary work assignment or as a substitute or as a part-time contractual employee or those who receive an academic supplement may hold only one of those assignments during a particular time period. The decentralized nature of the current hourly work assignment process does not permit Chesterfield County Public Schools to track or limit the total number of hours for an individual with more than one assignment. In the future, the new automated process may have the ability to include this feature.

4) How many hours can a substitute work to stay within the allowable hours under the Affordable Care Act?

The maximum amount of time that a short-term or long-term substitute may work is 134 days in a school year.

5) How will hours be monitored?

Systems are being put in place for monitoring. In the meantime, a manual process is being used.

6) The new rules for the Affordable Care Act include the requirement for all schools to use SubFinder to fill an absence. Which employees are included in this requirement; in other words, is SubFinder to be used for employee absences other than teachers?

The previous requirement that all absences be entered into SubFinder has been rescinded. Only absences for which a substitute is obtained should be entered into the SubFinder system. This includes absences for these positions:

- Classroom Teachers
- Clinic Assistants
- Food Services Associates
- Instructional Assistants for Prekindergarten and English for Speakers of Other Languages
- Instructional Assistants for Special Education
- Nursing Instructors
- Registered Nurses
- Security Monitors
- Tutor Monitors
- Technology Resource Assistants

- 7) **Can instructional assistants and clinic assistants have long-term substitutes?**
No. Page 21 of the Coordinated Pay Plan says that long-term substitutes may be obtained only for these positions:
- Classroom Teachers
 - Technology Resource Assistants
- 8) **What is the process for hiring field trip drivers who are not full-time drivers?**
A temporary solution has been found that will allow the continuation of field trips and athletic trips that were previously planned for the remainder of the year. An identified representative from the school needs to report field trips **in advance** to the Department of Transportation, which will monitor hours.
- 9) **Can athletic coaches have a second assignment?**
Yes. Athletic coaching is the only position that is allowed to hold a second assignment.
- 10) **I understand that I may hold only one assignment at a time under the new procedures. What if I want to switch assignments, for example from a temporary work assignment to a substitute?**
Once the temporary work assignment time period has expired, you may notify Human Resources that you wish to be placed on the substitute list (see the next question for details). You may change your substitute status only once per semester.
- 11) **How do I notify Human Resources that I would like to either stop work as a substitute or re-activate my assignment as a substitute?**
A form will be placed on the school system's website in the substitute section for employees to use to notify Human Resources.
- 12) **I am a part-time teacher. May I continue to substitute as well?**
No. All part-time employees, including part-time teachers, may hold only one assignment at a time.